

REMARKS

Upon entry of the amendments in this paper, claims 1-32 and 36-38 will be pending in the above-identified application. Claims 12-32 have been withdrawn. Claims 33-35 are herein canceled. Claim 1 and 6 are herein amended. Claims 36-38 are herein added. No new matter is entered. It is respectfully submitted that this paper is fully responsive to the Office action mailed on March 5, 2009.

Claim Objections:

Claim 1 stands objected to for various informalities. Applicants have amended claim 1 and submit that the claim is in proper form. As such, Applicants respectfully request that the objection to claim 1 be withdrawn.

Claim Rejections Under 35 U.S.C. § 112 second paragraph:

Claims 1 and 6 stand rejected under 35 U.S.C. § 112 second paragraph. Applicants have amended claims 1 and 6 and submit that the claims are in proper form. Applicants respectfully ask that the rejection be withdrawn.

On the Merits

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-5 and 8-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hylton et al.* (US Patent 5,613,191), hereinafter referred to as *Hylton*.

Independent Claim 1:

Independent claim 1 recites:

A method for transmitting decryption codes for freely transmitted encrypted program contents and for automatically establishing billing data for the program contents, comprising:

receiving encrypted program content from a broadcast source;

connecting to a service provider by a customer via the customer's subscriber network

determining a network terminating unit of the existing connection, and a calling party number of the customer and a called number of the service provider;

transmitting a decryption code for a program content to the customer;

establishing billing data using the network terminating unit, in particular the calling party number, the called number of the service provider, and information about the requested program content;

wherein said program content data is transmitted through a different medium than said decryption code.

Regarding the transmission of a decryption code (as recited in claim 1), the examiner refers to column 22, lines 20-37. Here *Hylton* discloses:

If the authorization data in the subscriber's profile in Level 1 Gateway instructs the video manager 417 to authorize reception (and provide a decryption key if needed).

Hylton goes on to state that:

If the decryption key is needed, the Level 1 Gateway 411 actually instructs the video manager 417 to instruct the VAM [video administration module] 331 to transmit the key to subscriber's DET [digital entertainment terminal] 100a.

Thus, the transmission of the decryption code and the video data appear be transmitted over the same network. That is, the VAM module transmits the decryption key to the digital entertainment terminal. The digital entertainment terminal is also where the video data is being transmitted. Further, both the video and decryption code are transmitted through the same medium. Please see FIG. 1 of *Hylton*.

Because the video service of *Hylton* is carried out over the same transmission medium as the decryption code, *Hylton* does not disclose or fairly suggest independent claim 1. Claim 1 recites that the content data and decryption code are transmitted through a different medium.

As such, applicants respectfully submit that the cited reference does not disclose the claimed invention and ask that the examiner withdraw the rejection.

Dependent Claim 2:

Claim 2 recites:

the dialing of a call number of the service provider and the acceptance of the telephone call.

The examiner contends this feature is disclosed in column 2, lines 30-38 and column 16, lines 19-35 and 54-65. Applicants note that the recited passage of column 2, lines 30-38 is discussed in the Background of the Invention. That is, the passage is not part of any embodiment

of the invention of *Hylton*. As such, the examiner must provide some rationale as to why a person would want to combine the cited passage (background art) with the invention of *Hylton*.

Without such an explanation, a *prima facie* case of obviousness is not been established.

Furthermore, *Hylton* does not explicitly disclose a customer dialing a telephone number, as recited in claim 2. That is, according to the recited passages, a subscriber appears to initiate a session with a broadband interactive service provider, however no mention is made regarding a telephone call to the service provider, as recited in claim 2.

As such, Applicants respectfully submit that *Hylton* does not disclose or fairly suggest the claimed invention, and asks that the rejection be withdrawn.

New Claims 36-38:

Applicants have added new claims 36-38 which further define claim 1. Applicants respectfully submit that these newly added claims are not disclosed or fairly suggested by the cited references.

Application No. 10/563,230
Art Unit: 3621

Amendment under 37 C.F.R. §1.111
Attorney Docket No. 053512

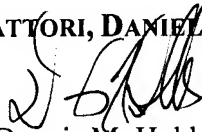
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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